REMARKS

Amendments to the Claims

Applicants have canceled claims 1-38 and 46-48 without prejudice. Applicants expressly reserve the right to pursue the canceled subject matter in this application or subsequent applications that claim the benefit of this application.

Applicants have amended claims 39-40, 42, 44, 49-51 and 54 to make the claims independent. Support for the amendments is found, for example, in the original claims 39-40, 42, 44, 49-51 and 54.

Applicants have amended claim 52 to add "promoting." Support for the amendment is found throughout the specification, for example, at page 31, lines 3-11.

These claim amendments do not constitute new matter.

The Restriction Requirement

The Examiner states that claims 1-54 are pending in this application, and has required restriction of the application, under 35 U.S.C. §§ 121 and 372, to one of twenty-three groups of inventions proposed by the Examiner.

1. Claims 1-10 and 15-17 (directed to a composition comprising Nogo-B);
2. Claims 11-14 (directed to a composition comprising Nogo-B antagonist, which is a monoclonal antibody);
3. Claims 11-14 (directed to a composition comprising Nogo-B antagonist, which is an siRNA);
4. Claims 11-14 (directed to a composition comprising Nogo-B antagonist, which is an antisense nucleic acid);
5. Claims 11-14 (directed to a composition comprising Nogo-B antagonist, which is a ribozyme);
6. Claims 11-14 (directed to a composition comprising Nogo-B antagonist, which is a soluble peptide);
7. Claims 11-14 (directed to a composition comprising Nogo-B antagonist, which is a small molecule);

8. Claims 18-22 and 32 (directed to a nucleic acid encoding a Nogo-B protein, a vector, a host cell and a method for producing the protein);

9. Claims 23-28, 30-31 and 33 (directed to an antagonist antibody to Nogo-B protein);

10. Claims 23-27, 29-31 and 33 (directed to an agonist antibody to Nogo-B protein);

11. Claims 34-37 (directed to a nucleic acid encoding an antibody to Nogo-B protein, a vector, a host cell and a method for producing the antibody);

12. Claim 38 (directed to a method for detecting Nogo-B in a subject);

13. Claims 39-41 (directed to promoting angiogenesis in a subject by administering Nogo-B);

14. Claims 42-43 (directed to treating pathological vascular remodeling in a subject by administering Nogo-B);

15. Claims 42-43 (directed to preventing pathological vascular remodeling in a subject by administering Nogo-B);

16. Claims 44-45 (directed to promoting vascular quiescence in a subject by administering Nogo-B);

17. Claims 46-48 (directed to a method of inhibiting angiogenesis in a subject by administering Nogo-B antagonist);

18. Claim 49 (directed to reducing neointima formation in a blood vessel in a subject by administering Nogo-B);

19. Claim 50 (directed to inhibiting vascular injury-induced vascular narrowing or occlusion in a subject by administering Nogo-B);

20. Claim 51 (directed to preventing vascular injury induced ischemia by administering Nogo-B);

21. Claim 52 (directed to a method for promoting endothelial cell adhesion, spreading and migration by contacting cells with Nogo-B);

22. Claim 53 (directed to a method for inhibiting vascular smooth muscle cell migration by contacting cells with Nogo-B); and

23. Claim 54 (directed to methods for treating a subject suffering from a vascular injury by administering a composition according to claim 1).

Applicants hereby provisionally elect with traverse Group 14 (claims 42-43) drawn to a method for treating pathological vascular remodeling in a subject by administering Nogo-B. This election is made expressly without waiver of applicant's right to continue to prosecute and to obtain claims to the non-elected and/or canceled subject matter in other applications claiming priority herefrom.

Applicants elect this invention with traverse because the inventions of Groups 13-16 and 18-23 are directed to overlapping subject matter. Applicants contend that searches of the inventions of Groups 13-16 and 18-23 are co-extensive. Specifically, each of these groups relate to vascular remodeling. In addition, each of these groups involves the use of Nogo-B or an active fragment thereof. Group 17 involves the use of Nogo-B antagonists and hence applicants have not requested that it be examined in this application. Group 13 is directed to promoting angiogenesis, which is a form of vascular remodeling, Groups 14 and 15 are directed to treating and preventing pathological vascular remodeling, Group 16 is directed to promoting vascular quiescence, which relates to vascular homeostasis (see page 4, lines 1-2), Group 18 is directed to reducing neointima formation, which is a form of undesirable vascular remodeling (see page 31, lines 19-27), Group 19 is directed to inhibiting vascular injury-induced vascular narrowing or occlusion, which is also a form of undesirable vascular remodeling (see page 31, lines 19-27), Group 20 is directed to preventing vascular injury-induced ischemia through vascular remodeling (see Example 11), Group 21 is directed to promoting endothelial cell adhesion, spreading and migration, which relate to remodeling, Group 22 is directed to inhibiting vascular smooth muscle cell migration, also relating to remodeling, and Group 23 is directed to treating vascular injury, which involves vascular remodeling (see page 27, lines 27-32). Accordingly, applicants respectfully submit that the inventions of Groups 13-16 and 18-23 can be examined simultaneously without significant additional burden.

For the foregoing reasons, applicants request reconsideration and withdrawal of the requirement to restrict the application to one of the proposed Groups of

claims and respectfully request that the inventions of Groups 13-16 and 18-23 be rejoined, and that prosecution on the merits proceed for claims 39-45 and 49-54.

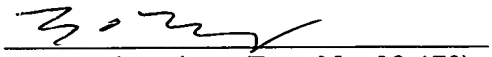
The Species Elections

The Examiner contends that for certain Groups a single species must be elected. The Office Action sets forth species elections for groups 13, 14 and 16. The Examiner appears to have been mistaken in requiring an election of species from claim 48 for group 16 as claim 48 is not part of that group. The Examiner also appears to have meant to require an election of species in Group 15 instead of Group 13 with regards to claim 43. Applicants will proceed with the election accordingly. For Group14 applicants provisionally elect ischemia recited in claim 43. Claims 39, 42-43 and 51 are considered to encompass the elected species of ischemia. If the Examiner agrees that Groups 13 and 15 should be rejoined to Group 14, applicants make further elections of species. For Group 13 applicants elect peripheral vascular disease recited in claim 41. Claims 39-41 are considered to encompass the elected species of peripheral vascular disease. For Group 15 applicants elect ischemia recited in claim 43. Claims 39, 42-43 and 51 are considered to encompass the elected species of ischemia. Applicants understand that upon allowance of a generic claim, they will be entitled to consideration of claims to additional species that depend from or otherwise require all of the limitations of an allowable generic claim [37 C.F. R. § 1.141].

Conclusion

Applicants request favorable consideration of the application and early allowance of the pending claims. To that end, the Examiner is invited to telephone the undersigned to discuss any issue pertaining to this reply.

Respectfully submitted,



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